

REMARKS

Claims 1-4, 6-10, and 12-22 were pending and stand rejected. Claims 1-4, 6-10, and 12-22 have been cancelled. Claims 23-43 have been added. Claims 23-43 are pending upon entry of this amendment.

Claims 1-4, 13, 15-17, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yamato. Applicant respectfully traverses. On August 30, 2006, the Examiner, the Examiner's supervisor, and the undersigned attorney had a telephone interview during which they discussed claim 1. No agreement was reached. Claims 1-4, 13, 15-17, and 19 have been cancelled.

Claims 6-8, 10, 12, 14, and 21-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamato in view of Hershler. Applicant respectfully traverses. On August 31, 2006, the Examiner and the undersigned attorney had a telephone interview during which they discussed claim 12. No agreement was reached. Claims 6-8, 10, 12, 14, and 21-22 have been cancelled.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamato in view of Hershler further in view of Goswami. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamato in view of Nishibe. Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamato in view of Kolich. Applicant respectfully traverses. Claims 9, 18, and 20 have been cancelled.

For the record, Applicant traverses the Examiner's assertions concerning the disclosures of Yamato, Hershler, Goswami, Nishibe, and Kolich. Applicant also traverses the Examiner's assertions concerning the motivations to combine Yamato and Hershler; Yamato, Hershler, and Goswami; Yamato and Nishibe; and Yamato and Kolich.

Although new claims 23-43 have not been rejected, Applicant respectfully notes the following.

Claim 23 recites:

A method for quantifying asymmetry of joint angles of two limbs during a movement, comprising:

- determining a first set of data that comprises angles of a joint of a first limb as the first limb performs the movement;
- determining a second set of data that comprises angles of a joint of a second limb as the second limb performs a similar movement, wherein the two limbs comprise the first limb and the second limb;
- generating a cyclogram based on the first set of data and the second set of data;
- and
- determining a value of a characteristic of the generated cyclogram.

Yamato discusses processing a walking pattern based on foot pressure distribution over time (title; abstract). In Yamato, a two-dimensional image 23 is generated to help analyze a walking pattern (6:10-22; FIG. 4). Yamato discusses using image 23 to determine various feature parameters, such as stride length, step length, step width, stride duration, step duration, double stance duration, and swing duration (4:10-18).

Applicant agrees with the Examiner that Yamato does not disclose, teach, or suggest the claimed element “generating a cyclogram based on the first set of data and the second set of data” (Detailed Action, ¶20, pp. 7-8).

Hershler does not remedy this deficiency. Hershler discusses using angle-angle diagrams to plot two selected lower limb angles against each other for corresponding instants of time (abstract). Hershler discusses collecting angle information for both the left and right hip joints and knee joints (p. 117). Assume, *arguendo*, that joint angle information for the left leg corresponds to the claimed element “a first set of data that comprises angles of a joint of a first limb as the first limb performs the movement” and that joint angle information for the right leg corresponds to the claimed element “a second set of data that comprises angles of a joint of a

second limb as the second limb performs a similar movement.” If this were true, then the claimed element “generating a cyclogram based on the first set of data and the second set of data” would correspond to generating a cyclogram based on joint angle information for the left leg and joint angle information for the right leg. However, all of the angle-angle diagrams in Hershler plot angle information for joints of the same leg. For example, an angle-angle diagram in Hershler plots the right hip versus the right knee or the left hip versus the left knee (p. 118). Thus, Hershler does not disclose, teach, or suggest the claimed element “generating a cyclogram based on the first set of data and the second set of data.”

Thus, neither Yamato nor Hershler, alone or in combination, discloses the claimed element “generating a cyclogram based on the first set of data and the second set of data.” Claim 23 is therefore patentable over Yamato and Hershler, alone and in combination. Additionally, for the record, Applicant traverses the Examiner’s assertions concerning the motivation to combine Yamato and Hershler.


Claims 42-43 recite similar language to claim 23 and are also patentable over Yamato and Hershler, alone and in combination, for at least the foregoing reasons.

Claims 24-33 depend from claim 23 (either directly or indirectly), which was shown to be patentable over Yamato in view of Hershler. In addition, these claims recite other features not included in claim 23. Thus, these claims are patentable over Yamato in view of Hershler, for at least the reasons discussed above, as well as for the elements that they individually recite.

Applicant respectfully submits that the pending claims are now allowable over the cited art of record and requests that the Examiner allow this case. The Examiner is invited to contact the undersigned in order to advance the prosecution of this application.

Respectfully submitted,
AMBARISH GOSWAMI

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By: 
Sabra-Anne R. Truesdale, Reg. No. 55,687
Attorney for Applicant
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7187
Fax: (650) 938-5200